

File Construction
Preparation

	BPS	
KKA	<i>[initials]</i>	<i>2 June 70</i>
HCC	<i>[initials]</i>	<i>2 June 70</i>
RLF	<i>[initials]</i>	<i>2 June 70</i>
JEH	<i>[initials]</i>	<i>2 June 70</i>
RLH	<i>[initials]</i>	<i>2 June 70</i>
WAK	<i>[initials]</i>	<i>2 June 70</i>
FHW	<i>[initials]</i>	<i>2 June 70</i>
SEC	<i>[initials]</i>	<i>2 June 70</i>

91st CONGRESS
2D SESSION

H. R. 16443

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1970

Mr. Brooks introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Federal Property and Administrative Services Act
- 4 of 1949 (40 U.S.C. 471 et seq.) is amended by adding at
- 5 the end thereof the following new title:

1 "TITLE IX—SELECTION OF ARCHITECTS AND
2 ENGINEERS

3 "DEFINITIONS

4 "SEC. 901. As used in this title—

5 "(1) The term 'firm' means any individual, firm, part-
6 nership, corporation, association, or other legal entity per-
7 mitted by law to practice the professions of architecture or
8 engineering.

9 "(2) The term 'agency head' means the Secretary,
10 Administrator, or head of a department, agency, or bureau
11 of the Federal Government.

12 "(3) The term 'professional services' includes those of
13 an architectural or engineering nature as well as incidental
14 services that members of these professions and those in their
15 employ may logically or justifiably perform.

16 "POLICY

17 "SEC. 902. The Congress hereby declares it to be the
18 policy of the Federal Government to negotiate contracts
19 for professional services on the basis of demonstrated compe-
20 tence and qualification for the type of professional services
21 required and at fair and reasonable prices.

22 "REQUESTS FOR DATA ON PROFESSIONAL SERVICES

23 "SEC. 903. In the procurement of professional services
24 the agency head shall invite firms engaged in the lawful prac-
25 tice of their profession to submit, in accordance with the

1. terms of the invitation, a statement of qualifications and per-
2. formance data. The agency head inviting such proposals shall
3 evaluate the submissions received and shall select therefrom,
4 in order of preference, no less than three of the firms deemed
5 to be most highly qualified to provide the services required.

6 "NEGOTIATION OF CONTRACTS FOR SERVICES

7 "SEC. 904. (a) The agency head shall negotiate with
8 the highest qualified firm for a contract for such professional
9 services at a fee which the agency head determines is fair
10 and reasonable to the Government. In making such determi-
11 nation, the agency head shall take into account the estimated
12 value of the services to be rendered, the scope, complexity,
13 and professional nature thereof.

14 "(b) Should the agency head be unable to negotiate a
15 satisfactory contract with the firm considered to be the most
16 qualified, at a price he determines to be fair and reasonable
17 to the Government, negotiations with that firm should be
18 formally terminated. The agency head should then under-
19 take negotiations with the second most qualified firm. Failing
20 accord with the second most qualified firm, the agency head
21 should terminate negotiations. The agency head should then
22 undertake negotiations with the third most qualified firm.

23 "(c) Should the agency head be unable to negotiate
24 a satisfactory contract with any of the qualified firms, he

1 shall, in his discretion, either select additional firms in order
2 of their competence and qualification, or reissue a new
3 request for proposals.”

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